

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KARELIZ NIN

vs.

LUZERNE COUNTY CHILDREN AND
YOUTH SERVICES

CIVIL ACTION

NO.

JURY TRIAL DEMANDED
(12 JURORS)

**TO THE HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA:**

**DEFENDANT, LUZERNE COUNTY CHILDREN AND YOUTH SERVICES'
NOTICE OF REMOVAL**

Defendant Luzerne County Children and Youth Services, hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 et seq. In support thereof, the foregoing Defendant avers as follows:

1. Plaintiff Kareliz Nin, initiated the above-captioned action on October 2, 2016, by the filing of a Writ of Summons in the Court of Common Pleas of Luzerne County, Pennsylvania against Defendants, docketed to No. 2016- 10895. Thereafter, Plaintiff filed a Complaint on April 20, 2017.

2. Copies of all processes, pleadings, orders and court related documents in the above-referenced Court of Common Pleas of Luzerne County, Pennsylvania action are attached hereto as Exhibit "A".

3. In light of the allegations contained in the Complaint, Plaintiff's civil action is removable to this Court pursuant to 28 U.S.C. §§ 1441 et seq. because the Complaint attempts to set forth claims or causes of action against Defendant that arise under the

{PH108607.1}

laws of the United States, and such claims are within the original jurisdiction conferred on the District Courts of the United States by 28 U.S.C. § 1331.

4. More specifically, Plaintiff's claims against Defendant concern, inter alia, the alleged violation of Plaintiff's Fourteenth Amendment rights pursuant to 42 U.S.C. § 1983.

5. Venue is properly laid in this District because the events giving rise to Plaintiff's claims allegedly occurred in this District. In addition, the foregoing Defendant conducts business in this District. 28 U.S.C. § 1391 (b).

6. As required by 28 U.S.C. §1446(b), this Notice of Removal was filed within thirty (30) days of service of Plaintiff's Complaint.

WHEREFORE, the above-captioned action, which is currently pending in the Court of Common Pleas of Luzerne County, Pennsylvania, should be removed to this Honorable Court.

Respectfully submitted,

/s/ Mark G. Giannotti

Mark G. Giannotti, Esquire (I.D. #201676)

Mary M. Labaree, Esquire (I.D. #77759)

MARKS, O'NEILL, O'BRIEN,

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Attorneys for Defendant,

Luzerne County Children and Youth Services

Dated: May 4, 2017

CERTIFICATE OF SERVICE

I, MARK G. GIANNOTTI, hereby certify that I have caused to be served on this day, a true and correct copy of a Notice of Removal addressed to all parties and/or counsel of record via electronic service of the Court and/or U.S. first class mail addressed as follows:

Plaintiff's Counsel
Jonathan S. Comitz, Esquire
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/s/ Mark G. Giannotti

Mark G. Giannotti, Esquire

DATED: May 4, 2017